

REMARKS

Applicants respectfully request reconsideration of the instant application in view of the amendments, herein, and the following remarks:

The following claims are *pending*: 1-13, 15-19, 23, 34, 45 and 47.

The following claims are *independent*: 1 and 47.

The following claims have previously been *cancelled* without prejudice or disclaimer: 14, 20-22, 24-33, and 46.

Please *add new* claims 48 and 49 and please *amend* claims 1 and 47; although these claims have been amended herein to provide clarification, correct typographical inaccuracies and/or informalities, and/or to better track practical/commercial implementations/practices (hereinafter “amendment,” “amendments,” and/or “amended”), Applicants submit that the originally filed claims are patentable and reserves the right to pursue the originally filed claims (as well as any claims dependent therefrom) at a later time and/or in one or more continuation/divisional application(s). Applicants submit that these new claims and/or claim amendments are supported throughout the originally filed specification and that no new matter has been added by way of these amendments.

Claim Rejections - 35 U.S.C. § 101

The Office Action has rejected claims 1-13, 15-19, 23, 34, 45 and 47 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicants respectfully traverse this rejection. Applicants respectfully disagree with the Examiner's characterization of the claimed elements. Applicants submit that the elements recited in the previously pending claims are,

in fact, directed to statutory subject matter and do not fall within the recognized Judicial Exceptions as merely abstract ideas (such as mathematical algorithms), natural phenomena, and/or laws of nature.

Although Applicants respectfully traverse the Examiner's rejection and reserves the right to pursue the claims as previously pending at a later time, Applicants have amended independent claims 1 and 47. Claims 1 and 47 recite, *inter alia*, "A processor-implemented method, comprising: ... displaying by a processor ... providing by the processor ... dynamically changing by the processor," As such, Applicants submit claims 1 and 47 (and as a consequence, claims depending therefrom) are directed to statutory subject matter for at least the reasons discussed above. Accordingly, Applicants submit that claims 1-13,15-19, 23, 34, 45 and 47 are directed to statutory subject matter, and respectfully request reconsideration and withdrawal of the rejection(s) and allowance of claim(s).

Claim Rejections - 35 U.S.C. § 103

The Office Action rejected claims 1-13,15-19, 23, 34, 45 and 47 under 35 U.S.C. § 103(a), allegedly, as being unpatentable over Guheen et al, U.S. Patent No. 6,721,713 (hereinafter "Guheen"), in view of Feibush et al, U.S. Publication No. 2002/0158918 (hereinafter "Feibush"), and in further view of Rebane, U.S. Patent No. 6,078,904 (hereinafter "Rebane").

Requirements to Establish Prima Facie Obviousness

The Supreme Court in *Graham v. John Deere Co. of Kansas City* prescribed that a *prima facie* showing of obviousness under 35 U.S.C. § 103 requires that, "the obviousness or

nonobviousness of the subject matter [be] determined," and details further requirements, commonly referred to as "Graham factors," which include that "[1] the scope and content of the prior art [be] determined, [2] differences between the prior art and the claims at issue [be] ascertained, and [3] the level of ordinary skill in the pertinent art [be] resolved." *Graham*, 383 U.S. at 1, 17 (1966). To comply with the Graham factors, as introduced in *Graham* and reaffirmed in *KSR Intern. Co. v. Teleflex Inc.*¹, MPEP § 706.02(j) prescribes that a rejection under 35 U.S.C. § 103 should set forth:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate;
- (B) the difference or differences in the claim over the applied reference(s);
- (C) the proposed modification of the applied reference(s) to arrive at the claimed subject matter; and
- (D) an explanation as to why the claimed invention would have been obvious to one of ordinary skill in the art at the time the invention was made.

The MPEP prescribes that, "when evaluating the scope of a claim, *every limitation in the claim must be considered*," (§ 2106 II(C), emphasis added) and, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." (§ 2143.03, emphasis added). Applicants submit that the pending rejection has failed to consider "every limitation in the claim" and "[a]ll words in [the] claim" in judging the patentability of the claim against the prior art by mischaracterizing claim elements and/or over-generalizing the applied reference(s). As with this Office Action, when the Examiner

¹ The "[Graham] factors continue to define the inquiry." 550 U.S. 398 (2007).

mischaracterizes and/or provides references that are missing claimed elements, then the Examiner has failed to fulfill MPEP § 706.02(j) requirements **(A)** and **(B)**, and as a consequence, has failed to establish a *prima facie* case of obviousness. 35 U.S.C. § 103.

Missing Claim Element(s)

Applicants note that in the Office Action, the Examiner states in response to the Applicants' previously submitted arguments:

The examiner respectfully disagrees with the applicant's arguments. Figure 10 and its corresponding description found in columns 17-18, Section 5.4.4, show a screen display representing the correlation matrix. The examiner contends [sic] that Figure 10 shows a "generated pattern", and meets the claim limit (which is currently very broad). To overcome the prior art, the examiner suggests further refinement in describing the form of the "generated pattern". (Office Action, pp. 13-14)

While Applicants respectfully traverse the pending rejection and disagree with the Examiner's characterization of the cited references, Applicants thank the Examiner for his consideration/suggestion. Without so conceding, Applicants have amended the claims to improve form, correct minor informalities, and provide clarification consistent with the Examiner's suggested "further refinement in describing the form of the generated pattern." As such, Applicants submit the cited references (taken alone or in combination) do **not** discuss, do **not** render obvious, and are in fact **missing** at least the following element as recited, *inter alia*, in currently amended independent claim 1:

A processor-implemented method , comprising:

...

generating by the processor at least one critical path pattern between the first and the second corporate entity information types based on the comparison and the dynamic analysis;

...

In contrast to the claimed element, Applicants submit Rebane discusses a "correlation matrix of risk adjusted returns for a portfolio of candidate securities [i.e. candidate investments]." (Rebane, col. 17, lines 11-12) Applicants note that Rebane discusses this "correlation matrix of risk adjusted returns" in Rebane, Figure 10, along with complimentary discussion in Rebane, col. 17, lines 10-45. For example, Rebane states that "the risk adjusted returns ... for each investment as shown on the main diagonal as varying height rectangular boxes, and the correlation coefficients for all pairs of securities are shown at the intersecting off-diagonals." (Rebane, col. 17, lines 17-22). Further, Applicants note that Rebane states that, "[t]he lines above the wider rectangles of the risk adjusted returns indicate the marginal returns available if the predicted market appreciation were perfectly known." (Rebane, col. 17, lines 23-25). Applicants also note that Rebane states, "[t]he returns and intersecting correlation coefficients of the investments selected are displayed by the filled rectangles with the rejected investments indicated as outlined rectangles." (Rebane, col. 17, lines 29-32).

Accordingly, Applicants submit that Rebane's *correlation matrix of risk adjusted returns for a portfolio of candidate investment/securities* is different from, and does not render obvious, at least the claimed "generating by the processor at least one critical path pattern between the first and the second corporate entity information types based on the comparison and the dynamic analysis," as recited in claim 1. Should the Examiner maintain the rejection, Applicants respectfully request specific clarification as to how and why the Examiner believes the references of record allegedly discuss the claim as amended.

Furthermore, Applicants submit that Guheen's identification of business alliances among a plurality of business entities in components of a network framework, and Feibush's system that takes pre-analyzed data, drops said data into circles and squares and draws arrows between the circles and squares (for example, the pre-analyzed textual data associated with Othello as illustrated in Feibush, figures 4-7) fail to remedy the deficiencies identified above in Rebane with regard to independent claim 1. For at least the reasons discussed above, Applicants submit that the pending rejection has mischaracterized the language of the claim elements and/or the applied references and, thus, has not established a *prima facie* case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections and allowance of claims.

Although of different scope than claim 1, Applicants submit that claim 47 is also patentable over the applied references for at least similar reasons. For example, claim 47 recites, *inter alia*:

A processor-implemented method, comprising:

...

generating by the processor at least one critical path pattern between the first and the second corporate entity information types based on the comparison and the dynamic analysis;

... .

Applicants submit that at least this element, recited by independent claim 47, is not discussed or rendered obvious by the applied references, taken both individually and in combination, for at least similar reasons as those discussed above identifying deficiencies in the applied references with regard to independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this basis of rejections.

Although of different scope than independent claims claim 1, Applicants submit claims 2-13,15-19, 23, 34, and 45 are all patentable over the cited references (taken alone or in combination) for at least similar reasons as discussed above when identifying deficiencies in the Office Action's application of Rebane with regard to independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections and allowance of claims.

CONCLUSION

Applicants assert that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art to this Office Action (and/or any previous office action(s)) (hereinafter "Office Action(s)"). While many other claim elements and/or bases for rejection were not discussed, as they have been rendered moot based on the above amendments and/or remarks, Applicants assert that all such remaining and not discussed claim elements and/or bases for rejection, all, also are distinguished over the prior art, and Applicants reserve the opportunity to more particularly traverse, remark and/or distinguish over any such remaining claim elements and/or bases for rejection at a later time, should it become necessary. Further, any remarks that were made in response to the Office Action(s)' objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to other Office Action(s) objection(s) and/or rejection(s) as to any other claim element(s), any such re-assertion(s) of remarks are not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim element(s), and no such commonality is admitted as a consequence of any such re-

assertion(s) of remarks. Consequently, the reference(s) cited the Office Action(s) do not result in the claimed invention(s), there was/is no motivation, basis and/or rationale for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed invention(s) are not admitted to be prior art. Also, Applicants do not accept, admit, and/or concede to any assertions, (mis)characterizations (e.g., of claims, references, and/or otherwise), and/or Official Notice(s) in the Office Action(s). As such, Applicants do not concede that any claim element(s) have been anticipated and/or rendered obvious by any of the cited reference(s) and/or any Official Notice in the Office Action(s). Thus, the Applicants respectfully submit that the supporting remarks and claimed inventions, claims 1-13,15-19, 23, 34, 45 and 47, all: overcome all rejections and/or objections as noted in the Office Action(s), are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all claims.

Authorization

Applicants hereby authorize and request that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17209-333. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicants request that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicants hereby authorize and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17209-333.

In the event that a telephone conference would facilitate examination of the application in any way, Applicants invite the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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